

Meeting called to order by the Mayor
Invocation and Pledge of Allegiance

1. Consent Agenda:

- a. Approve Minutes – April 2, 2019 Regular Session
- b. Approve Tax Releases & Refunds
- c. Approve Amending the Traffic Schedule to reflect the addition of a stop sign at the intersections of Ward Street and McBride Street as well as Providence Road and Oakley Street
- d. Approve Public Private Parking Lease Agreement with Graham Presbyterian Church
- e. Approve Request from Bryan Hagood to close the north and south side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building on May 27, 2019 from 9:30 a.m. to 1:00 p.m. for the Annual Memorial Day Ceremony

2. Old Business:

- a. East Interstate Service Road Property :
 - i. Accept offer to purchase of \$264,703 submitted by Martin Properties ACNC, LLC for surplus property
- b. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)

3. Requests & Petitions from Citizens:

- a. Request from Jason Cox for Consideration of a City Sponsored Life Safety Improvements Program

4. Recommendations from Planning Board:

- a. Public Hearing: Lacy Acres (RZ1901). Request by Penny Sekadlo to rezone property located on Chartwell Lane and Stonehaven Drive from R-18 to R-9 (GPIN 8872465865, 8872469418, 8872562422)
- b. Public Hearing: Lacy Acres (S1901). Request by Penny Sekadlo to approve a Major Subdivision for up to 165 single family residences (GPIN 8872465865, 8872469418, 8872562422)

5. Approve Agreement to Operate Burlington Animal Shelter & Pet Adoption Center

6. Issues Not on Tonight's Agenda

**CITY OF GRAHAM
REGULAR SESSION
THURSDAY, APRIL 2, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 2, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Chip Turner
Council Member Griffin McClure
Council Member Melody Wiggins

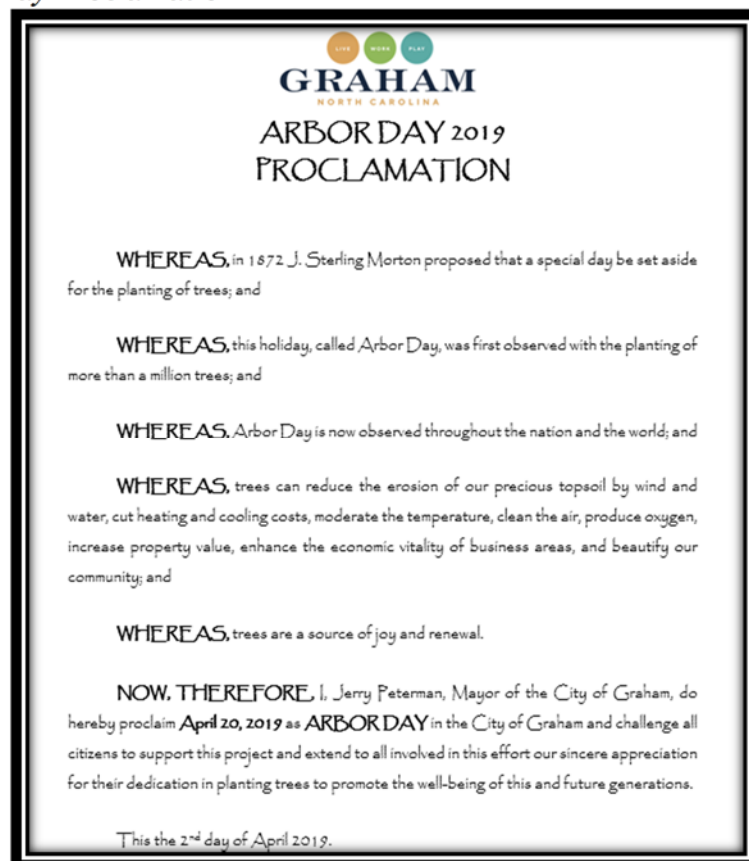
Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Alexa Powell, City Planner

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approve Minutes – March 5, 2019 Regular Session*
- b. Approve Minutes – March 14, 2019 Special Session*
- c. Approve Arbor Day Proclamation*



- d. Approve Request from North Graham Baptist Church to close off the 300 block of West Whitsett Street on Saturday, April 27, 2019 from 8:00 a.m. – 3:00 p.m. for a Community Block Party, pending receipt of a certificate of insurance listing the City of Graham as additional insured prior to the event***

Council Member Melody Wiggins made a motion to approve the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Old Business:

a. East Interstate Service Road Property Update

City Manager Frankie Maness reminded Council that at last month's meeting, Council decided to initiate the upset bid process and ordered an appraisal for this property. He informed Council Members that the appraisal is complete. The estimated value from the appraiser is \$266,000. Mr. Maness advised that the City did receive a qualifying upset bid in the amount of \$252,050. This requires the process be repeated until no additional qualifying offers are presented.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the discussion to the floor.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and asked for clarification of the current offer's net to the City.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and stated that it was her understanding that the upset bid would not start until the appraisal had been done.

With no further comments forthcoming, Mayor Peterman move on to the next agenda item.

b. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)

Mayor Peterman reminded everyone that this Quasi-Judicial Public Hearing was continued from last month. Planning Director Nathan Page explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court.

Mr. Talley stepped forward and informed Council that after meeting with City staff, there are still some details that need to be worked out and he asked the Council for another 30 days.

Mayor Peterman made a motion to postpone this until next month, seconded by Council Member Turner. All voted in favor of the motion.

Recommendations from Planning Board:

a. Public Hearing: Feather Flags (AM1901). Application by Richard Shevlin to permit feather flags within the City of Graham

Mr. Page explained that there was an application by Richard Shevlin to permit feather flags within the City of Graham. He informed Council of the various proposed language options included in the agenda packet. Mr. Page stated that the Planning Board recommends approval with their proposed language.

Council Members and staff briefly discussed what, if any control in the overlay and historic districts, size limitations and the City's current ordinance which has an avenue in place where one can submit a request for permission from the City Manager for the use of signs that may be prohibited by our ordinance. Also discussed was how this proposed language would affect a unified business development. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Richard Shevlin of 510 Wildwood Lane Graham stepped forward and informed the Council that he owns a business at 909 Washington Street Graham which currently houses three businesses. He stated that when one turns the corner from Providence Road onto Washington Street, you have about six seconds to notice the driveway into his building. He added that without flags, he doesn't know how anyone would see his driveway. Mr. Shevlin fielded general questions from Council Members.

Mrs. Talley stepped forward and spoke in favor of this text amendment. She spoke of the pressure business owners are under to get brands advertised. She also pointed out that the City puts banners up advertising various events.

Mr. Tom Boney of the Alamance News asked what current signs at Mr. Shevlin's property are not in compliance. Mr. Page stated that there are currently four monument signs of one sort or another as well as free standing signs that are not permitted. Mr. Page advised what the current ordinance does permit.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward to address Council. Mr. Hall, Chairman of the Planning Board, asked Council to adopt the Planning Board's recommendations.

Mr. Talley stepped forward and stated that while he knows they don't have anything in writing, the former City Manager gave him permission to use banners. He stated his support for flags.

Mrs. Talley returned to the podium to pass out copies of advertising signage and to continue lobbying for this amendment. Mrs. Talley stated that at the time the current ordinance was done, it was never supposed to affect them and they were told it was never going to affect them. Mayor Peterman reminded Mrs. Talley that she was on the Council when the current ordinance was adopted. Mrs. Talley responded that existing businesses were to be grandfathered in.

Mayor Pro Tem Lee Kimrey asked staff how is it that a non-conforming site element that is temporary in nature ever be grandfathered in. Mr. Page advised that he is not aware of any interpretation where that would be the case. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed in length amongst themselves the difficulty of regulating signs of this nature. Also discussed were concerns about location of flags and possibly more attractive landscaping and permanent signage being more beneficial to business. Council Member Turner stated that he would like to see something brought back to Council that would benefit all business. Mayor Peterman expressed concern with the City being allowed to do something others cannot do and stated that he has always been concerned with our current concert series signs. Council Member McClure stated that the City breaks its own rules every day, noting speeding police vehicles and fire trucks, but it is for communal good.

Council Member McClure made a motion that the text amendment be denied and that the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the motion. Ayes: Council Member McClure, Council Member Wiggins, Council Member Turner and Mayor Pro Tem Kimrey. Nays: Mayor Peterman. Motion carried 4:1.

Downtown Small Area Plan Update – Toole Design Group:

Mr. Jared Draper of 1119 East Martin Street Raleigh and Mr. Chris Lambka of 262 East Autumn Ridge Road Spartanburg, South Carolina spoke on behalf of the Toole Design Group. They summarized who they are and why they are here. Mr. Lambka stated that they are currently looking at not just the downtown area, but also the corridors leading into downtown. He mentioned that they are looking at ways to possibly remove some of the 18-wheeler traffic from the downtown area and making it a more pedestrian friendly environment. Mr. Lambka went on to speak about the public survey work they have been doing. He informed Council that they have held ten stakeholder group meetings over the past couple of months. He added that Graham is a happening place and they want to push Graham forward and build upon the economic development Graham is already doing. He did inform Council that there are going to be changes they recommend.

Mr. Draper advised that they are doing some designing this week, but that nothing is set in stone. He invited everyone to stop by and look at the design concepts they are actively working on. He added that some of the possible changes being looked at revolve around stormwater and utilities. Also being looked at is public space, green space, parking, furniture amenities, understanding some of the pedestrian crossings and safety as well as the multi-modal access throughout the downtown and corridor areas.

Council Members took turns asking both gentlemen about the surveyors who have been downtown, stormwater management, parking and defining the downtown area. Following this question and answer period, Mayor Peterman opened the discussion to the floor.

Mr. Boney stepped forward to express concern with the reports he is hearing in terms of the parking recommendations. He stated that he is hearing that the plan calls for the elimination of parking spaces in downtown. Mr. Draper stated that there are several options being looked at and there may be some parking spaces eliminated and nothing is written into stone at this time.

Council Members assured everyone that this is in the planning stages and nothing has been finalized at this time. They reminded everyone that this is the public input section of this plan design. The elimination of some parking is most likely going to happen to help with the City's stormwater and utilities in the downtown area. We have to fix the aging water and sewer situation in the downtown area before we can think of growing. If the City wants to have a say in the future NCDOT paving project that will encompass the downtown area, this plan is required.

Mrs. Talley stepped forward and echoed Mr. Boney's concern about parking.

Ms. Sherrie Pate of Ivey Road Graham stepped forward and said she has appreciated being able to be involved with City staff and Toole Design by attending the free work sessions that have been put on for the public. She asked Council to consider making downtown friendly for everyone and not just business owners.

With no further comments forthcoming, Mayor Peterman encouraged everyone to go look at the designs tomorrow.

Historic Resources Commission Annual Update:

City Planner Alexa Powell and Historic Resources Commission (HRC) Chairman Cary Worthy presented Council with an overview of what the Commission has accomplished this past year and highlighted their upcoming goals. They reviewed the Certificate of Appropriateness Applications, gave an update of the Façade Grants, HRC members and staff training and their desire to someday achieving Certified Local Government (CLG) status for its local preservation commission activities.

Council Members applauded the efforts by all HRC members and asked Ms. Powell and Mr. Worthy to relay a job well done to all members.

Issues Not on Tonight's Agenda:

Ms. Janet Eckleberger of 2872 Nereus Drive Mebane expressed concern for two historic buildings that were recently torn down within the past couple of years. She asked Council to come up with a way to preserve materials that are currently going to the landfill.

Downtown Development Coordinator Mary Faucette informed Council that she and Ms. Powell had recently attended the Main Street Conference. Mrs. Faucette and Mayor Peterman spoke about a project involving the original Oneida Mill houses. Brief discussion ensued about the potential project rehabbing these old mill houses. Referencing Mrs. Eckleberger's concerns, Mr. Page advised that staff may be able to come up with a pamphlet that lists the benefits of salvaging material and a few names of organizations that may be willing to buy or remove material at no cost to the home owner and/or demolition contractor. Consensus was given by Council to have staff come up with a pamphlet.

Council Member Wiggins informed Council that there will be a ribbon cutting ceremony at 4:00 p.m. on May 9, 2019 at the Graham Historical Museum. She also asked Council for consensus to study all boards and commissions appointments terms and how we appoint. Consensus was given.

Council Member McClure reported on the Mountain Valley Pipeline Southgate Project. After many conversations with various local and state officials and much research on the project, he stated that he does not feel that the Graham City Council has to follow in the footsteps of the Alamance County Commissioners and take action against this project. A general discussion ensued between Council Members and staff.

Mayor Peterman introduced Officer Daniel Sisk from the Graham Police Department.

At 9:02 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

CITY OF GRAHAM
RELEASE ACCOUNTS

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MAY

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
536340	2018	PORTER, WILLIS INC	BUSINESS MOVED TO FLORIDA	10.74

TOTAL RELEASES 10.74

**CITY OF GRAHAM
REFUNDS**

MAY

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
181428	2017	SHEVLIN, RICHARD	SOLD JET SKI	1.46
181428	2018	SHEVLIN, RICHARD	SOLD JET SKI	1.38

TOTAL REFUNDS 2.84



STAFF REPORT

SUBJECT:	ADD STOP CONDITIONS ON WARD AND PROVIDENCE STREETS
PREPARED BY:	CHIEF OF POLICE JEFF PRICHARD

REQUESTED ACTION:

For the City to consider erecting stop signs at the intersections of Ward Street and McBride Street, as well as Providence Road and Oakley Street.

BACKGROUND/SUMMARY:

The Graham Police Department has received several complaints regarding drivers speeding on Ward Street between Holt Street and Denny Circle. The speeding complaints have been received for several years now. There are also a large number of vehicle crashes which occur at the intersection of Providence and Oakley. It is common for the Police Department to receive complaints about speeding throughout the city. The city has previously considered and approved erecting stop signs at other areas where speeding was being a problem. While I cannot say how effective erecting stop signs in the past to reduce speeding, I can say that the complaints from citizens where stop signs have been erected to curb speeding have reduced. The introduction of a 4-way stop from an existing 2-way stop controlled intersection has been shown to reduce crashes to 30% of the previous volume. It is my opinion that whenever we can get drivers to slow down or stop at a traffic direction sign that overall speed will be reduced and therefore the community is made safer.

FISCAL IMPACT:

Minor. The City's street department staff can install and maintain the signs.

STAFF RECOMMENDATION:

Staff recommends that the City create two all-way stop intersections.

SUGGESTED MOTION(S)

I move to authorize to accept the recommendation by the Police Chief that the City erect stop signs at the intersections of Ward Street and McBride Street as well as Providence Road and Oakley Street, and to update the Traffic Schedule to reflect the same.

STAFF REPORT

SUBJECT:	LEASE AGREEMENT FOR PARKING FACILITIES
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORDINATOR

REQUESTED ACTION:

Sign lease agreement for shared parking facilities with Graham Presbyterian Church.

BACKGROUND/SUMMARY:

The City of Graham and Graham Presbyterian Church have had a parking agreement for several years. The last agreement expired in 2010 and is currently before you tonight to create a five-year term agreement moving forward.

With approval the lease agreement will be effective from today's date through December 31, 2023.

FISCAL IMPACT:

In accordance with the proposed agreement asphalt repair work, striping and snow removal will be provided.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I make a motion to approve the lease agreement as presented.





Lease Agreement for Parking Facilities

This lease agreement for shared Parking Facilities, entered into this 7th day of May, 2019 between GRAHAM PRESBYTERIAN CHURCH, hereinafter called Lessor, and THE CITY OF GRAHAM, hereinafter called Lessee.

WITNESSETH:

In consideration of the mutual covenants herein, Lessor, in accordance with NCGS 160A-19, agrees to lease to Lessee certain parking facilities, located at Maple Street between Harden Street and West Elm Street and used as a parking lot by the Graham Presbyterian Church in the City of Graham, County of Alamance and State of NC, hereinafter called the facilities, described as the parking area shown on Exhibit A, representing 78 total parking spaces (65 public and 12 handicap).

LEASEHOLD AREA

The parking area shown on Exhibit A, representing 78 parking spaces, is leased to the Lessee and shall be available for public parking Monday through Saturday 6am – 11pm except when needed by the Lessor for its own events. Parking by the public will not be permitted on Sundays. Overnight parking is prohibited. The Lessor reserves the right to restrict parking at any time for church events, and church shall attempt to provide reasonable notice to Lessee of any such events.

LEASE TERM AND OPTION FOR EXTENSION

This agreement shall have a 5 year term, beginning on May, 7, 2019 and ending December, 31, 2023. Either party can cancel this agreement by giving the other 60 days' notice.

MAINTENANCE

In consideration of the right to the use of the facilities to provide public parking, the Lessee shall provide, as reasonably necessary, asphalt repair work, striping and snow removal.

SIGNAGE

Lessee shall provide signage, meeting with the written approval of Lessor, designating usage allowances. See Exhibit B, representing agreed signage language.

ENFORCEMENT

Lessor and Lessee each reserve the right to tow, at the expense of the vehicle owners, vehicles improperly parked or abandoned. All enforcement shall be coordinated with the Graham Police Department.

COOPERATION

Lessor and Lessee agree to cooperate to the best of their abilities to mutually use the facilities without disrupting the other party. The parties agree to meet on occasion to work out any problems that may arise to the

shared use. In any event, if there is a conflict between the needs of the Lessor and the Lessee as priority of use, the Lessor's needs shall prevail if a solution cannot be agreed by the parties.

SUPERVISION

Neither the Lessor nor the Lessee will provide supervision or management of the facility, except that Lessor will be responsible for providing necessary signage or other notice when the facility is to be used for activities of the Lessor and closed to use by the public.

INSURANCE

At their own expense, Lessor and Lessee each agree to maintain liability insurance for the facilities as is standard for their own business usage. Lessee agrees to name the Lessor as an additional named insured on their liability insurance policy for this parking lot.

INDEMNIFICATION

The Lessee agrees to indemnify and hold the Lessor harmless from any claims for injury to persons or property arising out of the use of the facilities by the public, including actual damages and reasonable attorney fees incurred defending against such claims, and the Lessor agrees to hold the Lessee harmless from any claims for injury to persons or property arising out of the use of the facilities by the Lessor during its own use and activities, including actual damages and reasonable attorney fees incurred defending against such claims. Lessor indemnifies the Lessee during the times of use as well as the Lessee indemnifies the Lessor during times of use of said parking lot.

TERMINATION

If Lessor transfers ownership, or if part or all of the facilities are condemned, or access to the facilities is changed or limited, Lessee may, in its sole discretion terminate this agreement without further liability by giving Lessor not less than 60 days prior written notice. Upon termination of this agreement, Lessee agrees to remove all signage and repair damage due to excessive use or abuse. Lessor agrees to give Lessee the right of first refusal on subsequent renewal of this agreement.

GRAHAM PRESBYTERIAN CHURCH, Lessor

Date: 4-29-19

By: 

THE CITY OF GRAHAM, Lessee

Date: _____

By: _____

City Manager

Exhibit A



Exhibit B



Alamance County

OFFICE OF THE COUNTY MANAGER
124 West Elm Street
Graham, North Carolina 27253-2865

BRYAN HAGOOD
County Manager

Telephone: (336) 570-4044
Facsimile: (336) 570-6360
bryan.hagood@alamance-nc.com

April 30, 2019

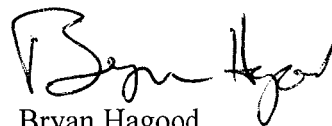
Mr. Frankie Maness, City Manager
City of Graham
Post Office Drawer 357
Graham, NC 27253

Dear Frankie:

The Alamance County War Memorial Committee has started the planning process for the annual Memorial Day Ceremony to be held in Graham on Monday, May 27, 2019. On behalf of the Committee, I would like to request that the City of Graham block off the street from 9:30 a.m. to 1:00 p.m. as they have in the past. The area to be blocked off is the north and south side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building.

Frankie, if the Council approves the request, and you can provide the barricades, the County will place them in position and remove them at the times listed above. Please call if you have any questions.

Sincerely,



Bryan Hagood
County Manager

BH: tf

CC: Darcy Sperry, City Clerk



STAFF REPORT

SUBJECT:	E. INTERSTATE RD. PROPERTY
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Authorize sale of E. Interstate Service Road Property.

BACKGROUND/SUMMARY:

In 2009, the City of Graham acquired a 5.5 Acre parcel of land on E. Interstate Rd. in Graham for \$335,000. The City began marketing the property for sale in 2011. The tax value of the property is currently listed at \$250,000 and a recent appraisal revealed a \$266,000 opinion of value.

Since putting the property up for sale, the City has received only one prior offer, in 2014, in the amount of \$175,000. City Council rejected this offer as the price was well below market value. In February, an offer in the amount of \$225,000 (\$213,750 net) was made. Subsequently another competing offer was made in the amount of \$240,000. This offer prompted the adoption of a "Resolution Authorizing Sale and Upset Bid Process for Property On E. Interstate Service Road".

The upset bid process is complete following three rounds of bidding with the prevailing bid of \$264,703 submitted by Martin Properties ACNC, LLC.



FISCAL IMPACT:

The City will realize a cash receipt of nearly \$264,703 but will realize a loss of approximately \$70,000, assuming no taxable development of the property.

STAFF RECOMMENDATION:

Approval. The upset bid process yielded a result that is less than one half of a percent (<0.5%) from the appraised value. Therefore, it is believed that the bid received satisfies the legal requirement of the City to receive adequate consideration. While an argument could certainly be made for the City to hold on to the property, proceeds from the sale could be used to forward other initiatives that could prove fruitful for the City in the long run. Examples include: economic development, infrastructure, Development Ordinance revisions, redevelopment assistance, Development Finance Initiative projects, etc...

SUGGESTED MOTION(S):

I make a motion to accept the offer of \$264,703 submitted by Martin Properties ACNC, LLC for surplus City property on East Interstate Service Road, more particularly described as GPIN #8884402904, Parcel ID: 146703 and authorize The City Manager, City Attorney and City Clerk to effectuate the sale.

MARTIN PROPERTIES ACNC LLC

PO Box 100
Haw River, NC 27258
Phone 336.263.6721

April 3, 2019

To: City of Graham

From: Martin Properties ACNC, LLC


Reference: Property on East Interstate Service Road
Graham, NC; PID#146703

Martin Properties ACNC, LLC submits the following offer for PID#146703 located at East Interstate Service Road, Graham NC.

Purchase price: \$264,703.00.

Please find the enclosed check in the amount of \$13,235.15 for the required deposit.

Thank you,



William Larry Martin

Member

Martin Properties ACNC, LLC

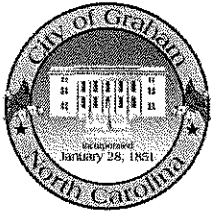
ACKNOWLEDGMENT OF BID DEPOSIT

At the Graham City Council meeting held on March 5, 2019, the Council authorized the City to receive bids for the sale of property located at East Interstate Service Road, Graham, NC (See Deed Book 2799 at page 979 Alamance County Registry for a more particular description of the East Interstate Service Road property).

The City of Graham does hereby acknowledge the receipt of \$13,235.15 deposit made on APRIL 4 of 2019 by Martin Properties ACNC, LLC in connection with the bid to purchase the aforementioned property.

CITY OF GRAHAM

BY Dave Sperry



Application for SPECIAL USE PERMIT

Renewal
1/28/19

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P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: KRONBERGS COURT
Tax Map#: 13-13-39 GPIN: 8894743697
Current Zoning District(s): I-1
Overlay District, if applicable:
☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54
Current Use: VACANT PARCEL
Property Owner: I-40 DRIVE IN, LLC
Mailing Address: PO BOX 872
City, State, Zip: GRAHAM, NC 27253
Phone #: (336) 229-4225
Email: chucktalley21@hotmail.com

Applicant and Project Contact

Name: William G. Talley
☒ Property Owner ☐ Other _____
Mailing Address: PO Box 872
City, State, Zip: Graham, NC 27253
Phone #: (336) 229-4225
Email: chucktalley21@hotmail.com

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

Signature of Applicant _____ Date _____

Signature of Property Owner _____ Date 1-28-19
(if other than applicant)

Office Use Only. DEVID#

SUP1901

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
CAMPGROUND

☒ Check if this use is also listed in
Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

☒ Preliminary Site Plan
☒ Descriptive Information

Develop up to 75 site locations
for RV campground
consulted with engineer
and city planner for
highest and best use of
property.

☐ Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing

PARCEL DATA
Alamance County Tax Information:
Parcels Included in this Project:
Parcel 1:
 GPIN: 889474298 I
 Parcel ID: 152970
 Old Tax Map No.: 13-13-2

MINIMUM BUILDING SETBACKS
Per City of Graham Zoning Ordinance Section 10.245
City of Graham Zoning: I-1 Light Industrial
Front setback - 50'
Side setback - 20'
Rear setback - 20'

Property Address: Kronbergs Court, Haw River, NC

Plat Reference: PB 78 PG 71
Deed Reference: DB 427 PG 139

City of Graham Zoning: I-1 Light Industrial

SITE DATA:
Existing Use: Vacant
Proposed Use: Drive In Movie Theater
Accessory Use: Campground
Total Property Area: 34.88 Acres ± (Per PB 78, PG 71)

Existing Building Area: 0 sf.
Proposed Building Area: 4,216 sf.
Proposed Impervious Surface: less than 13.5 Acres

Note: Construction drawings to be prepared upon permitting and PCN submittal.

Flood Plain Note:
A portion of this property has been mapped on FIRM Map No. 3710889400J, CID No. 370283, Panel 8894 Suffix J, as Zone AE, having coverage for the 100 year flood plain. No fill or permanent structures are proposed within the mapped 100 regulatory floodway.

Additional Borrow / Waste Note:

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land disturbing activities and must be permitted either through the Sedimentation and Pollution Control Act as a one-use-borrow site or through the Mining Act.

CONTRACTOR'S NOTES:

- The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
- The City of Graham shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction. It shall be the responsibility of the owner to obtain all applicable permits, complete testing, and inspections, and proper certification that the proposed construction was installed in accordance with the approved plans and specifications.
- All underground utilities are to be installed and tested prior to the placement of any base course stone, concrete, or pavement.
- Any fill material imported into or exported from the site shall originate from or be disposed of at a properly permitted location. All structural fill material and bearing soils shall be tested and certified by the project geotechnical engineer.
- All construction methods and materials shall conform to the City of Graham Standard Specifications & Details and the NC Plumbing Code.
- Boundary, existing feature, and topographic information including located wetland areas as flagged in the field provided by a survey prepared by Boswell Surveyors, Inc., Burlington, North Carolina.
- Existing Conditions are shown based on field surveys and best available record. Any discrepancies shall be reported to the engineer immediately.
- Sanitary sewer service is being requested via a tie to existing City of Graham Sanitary Sewer Main.
- Water service is being requested via a tie to existing City of Graham Water Main.
- Exact size and location of all applicable utilities and easements to be field verified prior to construction.
- Contact the project engineer immediately with any conflicts regarding the design or construction of the project. All field adjustments shall be verified by the project engineer prior to construction.
- Construction and location of sidewalk, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2009 Handicap code or latest Accessibility Code revision.
- Contractor shall contact project engineer to observe formwork for site curb, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
- Compaction of fill materials, approval of residual subgrade, soil proof rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
I-40 Drive-In
P.O. Box 872
Graham, NC 27253
Contact: 336-229-4225

ENVIRONMENTAL IMPACTS SUMMARY TABLES

IMPACT TO STREAM TABLE (PERMANENT)		
NAME OF DRAINAGE CONVEYANCE	IMPACT LENGTH IF IN STREAM (LF)	
A Swale	0 lf, intercepting wetland area	
Crossing #1	TWIN 42" RCP	68 lf. @ 1.47%
Crossing #2	TWIN 30" RCP	35 lf. @ 1.97%
Culvert #3	36" HDPE	0 lf. (see plan)
"wetland feeding pipe"	0 lf. (6" SDR-35 80 lf.)	
PERMANENT IMPACT TOTAL = 103lf.		

IMPACT TO STREAM TABLE (TEMPORARY)		
NAME OF DRAINAGE CONVEYANCE	IMPACT LENGTH IF IN STREAM (LF)	
A Swale	0 lf, intercepting wetland area	
Crossing #1	TWIN 42" RCP	4 lf.
Crossing #2	TWIN 30" RCP	2 lf.
Culvert #3	36" HDPE	20 lf. (see plan)
"wetland feeding pipe"	0 lf. (6" SDR-35 80 lf.)	
TEMPORARY IMPACT TOTAL = 82lf.		

Mapped Wetland Area IMPACTED or AFFECTED Table:		
NAME OF WETLAND AREA	DISTURBED AREA IN WETLAND (SF)	
A	828	
B	440**	
C	753	
D	1,654+615* = 2,269	
AA	1,101	
BB	NOT AFFECTED	

* (area affected but not disturbed)
** (area of temporarily impacted wetland)

IMPACT TO BUFFER TABLE (units in sf.)			
NAME	Zone	Zone 2	Temporary
Crossing #1	4,130	2,340	800
Crossing #2	0	3,846	440
Culvert #3	745	1,193	400
Total Buffer Impact		12,256 ±	1,640±

RIP RAP CHANNEL ARMOR PLACED IN STREAM TABLE (PERMANENT BUT BELOW WATER LEVEL)		
NAME OF DRAINAGE CONVEYANCE	LENGTH IN STREAM (LF)	
Crossing #1 after TWIN 42" RCP	20lf. embedded nrap channel armor / velocity dissipater	
Crossing #2 after TWIN 30" RCP	20lf. embedded nrap channel armor / velocity dissipater	
Culvert #3 after the 36" HDPE	15lf. embedded nrap channel armor / velocity dissipater	
LENGTH OF CHANNELIZED RIP RAP ARMOR TOTAL = 55lf.		

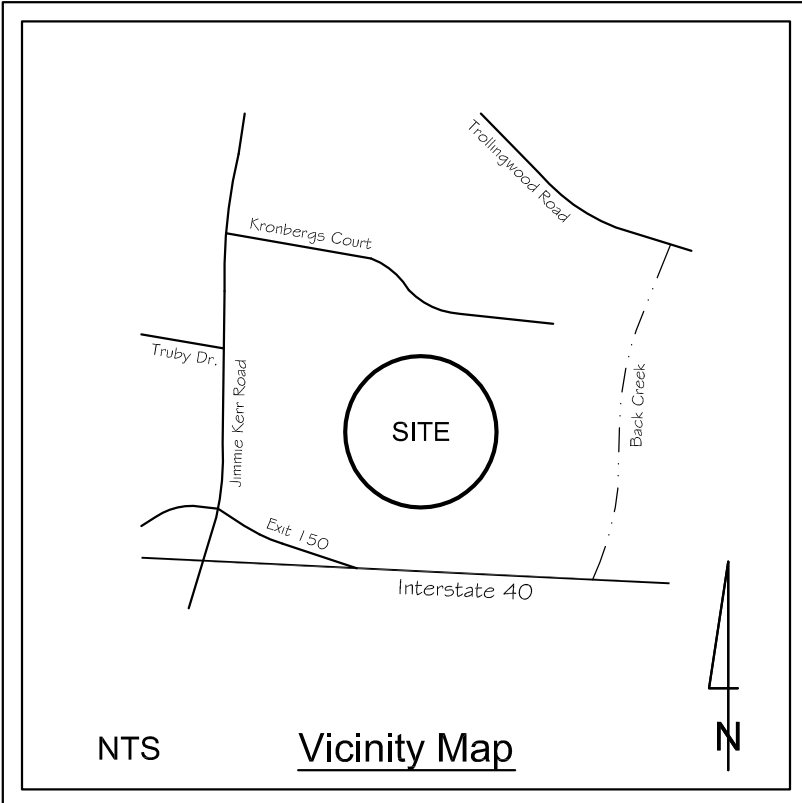
Site Soils Classification:

Unclassified. Classification of near surface soils shall be made per Owner's geotechnical engineering recommendations based on the evaluation of exposed subgrade soils.

Line Table		
Line	Bearing	Distance
L1	N 73°36'03" W	63.95'
L2	N 20°49'17" W	149.79'

Curve Table			
Curve	Chord Bearing	Chord	Radius
C1	S 57°47'14" E	397.58'	610.84'
C2	N 80°57'11" W	444.29'	1445.24'

- SURVEYOR'S LEGEND
- Existing Iron Pipe (EIP)
 - New Iron Pipe (NIP)
 - Property Line
 - Adjoiner's Property Line
 - Right of Way Line
 - Calculated Point (CP)
 - PK Nail (Found)
 - PK Nail (Set)
 - Right of Way Monument
 - Overhead Utility Lines
 - Utility Pole (with Guy Wire)
 - Light Pole
 - Sanitary Sewer Manhole



IMPACT LEGEND	
[Solid Black Box]	WETLAND IMPACT
[Hatched Box]	BUFFER IMPACT

Lot One
Property of
Melville Plastics, Inc.
P.B. 57, Pg. 137

Property of
Grace Rich
P.B. 33, Pg. 18

Burnt Shops, Inc.
D.B. 427, Pg. 139

Property of
Melville Plastics, Inc.
P.B. 44, Pg. 186

Recombination Plat
Prepared for
SpeedCo, Inc.
P.B. 66, Pg. 270

Blue Beacon International, Inc.
D.B. 1121, Pg. 271, D.B. 1121, Pg. 277
D.B. 1121, Pg. 283, P.B. 59, Pg. 64

WilcoHess, LLC
D.B. 1522, Pg. 194
P.B. 53, Pg. 73

PROJECT: 2/2

5-24-2017

1" = 100'

BSB/CDH
DRAWN IN THE USA BY

REVISIONS:
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for
AK2017-6 Revisions for

1-16-1035

Overall
Proposed Site Plan
with IMPACTS
identified

6-27-2018

PROFESSIONAL SEAL
24924
ENGINEER
CHARLES D. HUFFINE

C-1939

GRAHAM DRIVE IN

THE L.E.A.D.S. GROUP, P.A.
585 EAST DAVENPORT STREET
SUITE 100
Graham, NC 27253
Phone: (336) 229-4225
Fax: (336) 229-4225
Land Engineering And Development Services



STAFF REPORT

Prepared by Nathan Page, Planning Director

Kronbergs Campground (SUP1901)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on February 19, 2019

City Council on March 5, 2019

Contact Information

William G. Talley

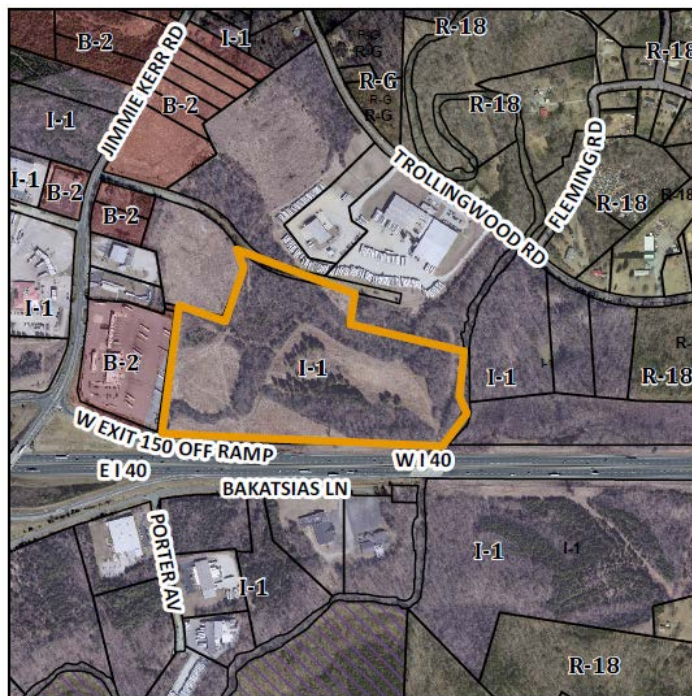
PO Box 872

Graham NC, 27253

336-229-4225; chucktalley21@hotmail.com

Summary

This is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Ct. The property is currently vacant. Properties zoned Industrial are required by the Development Ordinance to apply for a Special Use permit to allow the use of Commercial Campground.



Location

Kronbergs Court
GPIN: 8894743697

Current Zoning

Industrial (Light)
(I-1)

Proposed Zoning

Industrial (Light) (I-1)

Overlay District

none

Surrounding Zoning

General Business, Industrial
(Light)

Surrounding Land Uses

Vacant, Commercial, Industrial

Size

Approx. 34.5 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval, with conditions

Conformity to *The Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Planning Type: Industrial

Development Type: Industrial

Applicable Policies;

- **2.1.8: Tourism** Promote Graham as a tourist destination with a focus on Graham's historic downtown, access to the Haw River and Haw River Trail (portion of the North Carolina Mountains-to-Sea Trail), art, museums, and parks. *The installation of a commercial campground here could positively contribute to tourism in the vicinity.*
- **2.4.2: Promote Industrial Redevelopment.** Encourage reinvestment and intensification at existing industrial sites. Encourage redevelopment of existing buildings and infrastructure for industrial growth. *This project is not the highest and best use for the property, but given the quantity within the floodplain, it is a reasonable compromise.*

Planning Type

Industrial

Development Type

Industrial

Large one and two story buildings with access to the Interstate.

Limited Setbacks, heavy buffers, minimal adverse environmental impacts.

Transportation Infrastructure is predominately wide lanes with shoulders and appropriate curb radii to accommodate large vehicles.

Density of 0.3 to 0.5 FAR

DRAFT Findings of Fact and Conclusions of Law

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - *The property is zoned I-1, a Commercial Campground is only permitted with a Special Use Permit.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *There are no specific conditions for a Commercial Campground.*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - *The use of the location as a Commercial Campground will not materially endanger the public health or safety.*
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - *The use of the location as a Commercial Campground will not substantially injure the value of adjoining property.*
5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

- *The proposed Commercial Campground is located in an industrial section of Graham and the future land use is Industrial. Therefore, a campground is in general conformity with The Graham 2035 Comprehensive Plan.*
6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
- *The TRC shall evaluate a presented site plan for conformance with the listed requirements.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval, with conditions** of the Special Use Permit. Recommended Conditions:

- Remote access to the property be provided in case of emergency.
- Sanitary sewer connections shall be designed, maintained, and operated to prevent intrusion in the event of a flood, with design parameters as determined and approved by the City of Graham Utility Director.
- A TRC-approved plan shall be in place before any construction activities begin.

This action is reasonable and in the public interest for the following reasons:

- This action is likely to increase tourism (Policy 2.1.8), and increase the development density of one of our industrial properties (Policy 2.4.2).



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Kongbergs Campground (SUP1901)

Type of Request
Special Use Permit

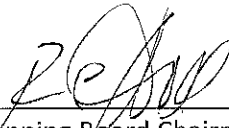
Meeting Dates

Planning Board on February 19, 2019
City Council on March 5, 2019

- ☐ I move to **recommend APPROVAL** of the application as presented.
- ☒ I move to **recommend APPROVAL** with the following conditions:
- Remote access to the property be provided in case of emergency.
 - Any wastewater facilities shall be flood-proofed at least 2' above the 100 year flood level.
 - A TRC-approved plan shall be in place before any construction activities begin.
 - [Insert additional or other conditions]
- ☐ I move to **recommend DENIAL**.
-
- ☒ I move to adopt the Findings of Fact and Conclusions of Law **as presented in the staff report**.
- ☐ I move to adopt the Findings of Fact and Conclusions of Law presented in the staff report
with the following revisions:
-
- ☒ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- ☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 19th day of February, 2019.

Attest:



Ricky Hall, Planning Board Chairman



Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the comprehensive plan and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

Kronbergs Campground (SUP1901)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on February 19, 2019
City Council on March 5, 2019,
April 2, 2019 & May 7, 2019

1. Choose one...

- ☐ I move that the application be **APPROVED as presented**.
- ☐ I move that the application be **APPROVED with the following conditions**:
- Remote access to the property be provided in case of emergency.
 - Sanitary sewer connections shall be designed, maintained, and operated to prevent intrusion in the event of a flood, with design parameters as determined and approved by the City of Graham Utility Director.
 - A TRC-approved plan shall be in place before any construction activities begin.
 - [Insert additional or other conditions]
- ☐ I move that the application be **DENIED**.

2. Choose one...

- ☐ I move to adopt the Findings of Fact and Conclusions of Law **as presented in the staff report**.
- ☐ I move to adopt the Findings of Fact and Conclusions of Law presented in the staff report **with the following revisions**:

3. Choose one...

- ☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- ☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

4. State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 7th day of May, 2019.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

4/22/2019

Graham City Council
C/O Frankie Maness
201 S Main St.
Graham, NC 27253

RE: Request for City-Provided Water Service to Building for Life Safety Improvements
106-110 N Main St, Graham, NC 27253

Frankie,

As mentioned in the attached letter from 7/16/18 and in prior discussions with yourself and city staff, there is significant need for a city program to address two core items - fire protection systems and elevators - to both improve public safety and increase the economic impact of downtown redevelopment efforts. Higher uses of existing buildings downtown will continue to be prevented without meaningful investments to address these key needs.

Graham is seeing signs of redevelopment downtown, which we hope to continue to be a contributor to. Unfortunately, the scale and impact of any such redevelopment remains unduly limited. In the ten months since this prior letter, no meaningful movement from the city has been seen on this topic. Without such a program, efforts to recruit higher-use tenants for ongoing projects continues to be an uphill effort. *In the absence of forward movement on this topic over the past 9 months, opportunities that otherwise might have happened have been lost.*

Despite the above-noted obstacles, we have been successful in attracting interested parties who are willing to bet on Graham's future. I emphasize future, because recent "wins" for downtown Graham are based on the expectation of continued growth and successful recruitment efforts. Those who have participated to date are early adopters. Future growth is dependent on the addition of higher-impact tenants downtown.

Regrettably, in each prior case where we have attracted interest from such parties, the substantial cost of both sprinklers and bringing the needed water service to the end user has been too great to make the projects viable. While the costs of life-safety and related upgrades in some markets would be easily offset by rental revenue, that is not the current case in Graham. Market rates make these additional costs unsustainable, resulting in otherwise higher-impact uses continuing to be replaced with fallback options such as lower-density private offices, professional services businesses like insurance agents, CPAs, real estate sales, etc.; or small storefronts such as salons, consignment stores and such. Put simply, we are in the "hopeful" stage of up-and-coming, and the inability to cross the threshold to higher uses is a very real risk to taking this from hopeful to actionable.

At this time, we have been successful in recruiting a perfect addition to downtown in the form of Patterson Hall, an event space planned to occupy 108 N Main St. This is a unique and beneficial addition, as it would be the only space downtown able to host events for as many as 200 people. Such an anchor space will draw an increasing number of first-time and out-of-town visitors, which results in direct and indirect economic impact for nearby businesses and service providers. ***Growing the number of weekly visitors to downtown is a crucial component to growing existing businesses, and the successful retention of recent new businesses.***

To make this project possible, city assistance is needed. We are prepared to absorb the costs for the fire protection system within the building, with the condition that the city provides the needed water service to the building, along with a waiver of any city-charged assessments such as tap fees, etc.

In practice, this is similar to Duke Energy or Piedmont Gas providing new, upgraded services to redeveloped buildings, without charging for their portion of lines and work. Both companies have done so in this specific case. We are asking the City to act in similar partnership, recognizing that in the City's case it would result in a number of benefits for the city overall, both economic and life-safety oriented for visitors, nearby buildings, and any first-responders in an emergency. I also believe this would also be the first building to have a fire protection system installed downtown, acting as an example to be followed for future redevelopment.

Without such an agreement, the intended use as an event space will not be possible, forcing a shift a lesser use. Due to the realities of the tenant's business model, a delayed response on this matter will prevent establishing future bookings to justify continued work, and their window of opportunity will be missed.

It is our desire to turn Patterson Hall into an example of Graham's forward momentum and for it to be a contributor to ongoing growth. It is my hope that with careful consideration, this project can serve as an example of Graham's commitment to downtown revitalization efforts that bring a return far in the future.

Sincerely,

Jason M. Cox
Managing Partner
Carolina Property Holdings of NC, LLC

PLANNING ZONING BOARD

Tuesday, April 16, 2019

The Planning & Zoning Board held their regular meeting on Tuesday, April 16, 2019 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Nate Perry, Ricky Hall, Eric Crissman, Michael Benesch, Justin Moody and Bonnie Blalock. Staff members present were Nathan Page, Aaron Holland, and Debbie Jolly, Zoning and Inspection Technician. Chair Hall called the meeting to order, gave the Overview of the Board, general meeting rules and gave the invocation.

- Approval of the March 19, 2019, meeting minutes with correction Bonnie was not at the last Meeting and did not vote. A motion was made to approve the minutes as amended by Ricky Hall seconded by Dean Ward. All voted in favor. Before going to the new business Ricky Hall disclosed that he lives in the subdivision that is abutting the one we are discussing tonight and that he is a member of the Valleyfield HOA. Chair Hall polled the board and no members found a Conflict of Interest.
- New Business
 - RZ1901 Lacy Acres. Application by Penny Sekadlo to rezone approximately 58 acres from R-18 to R-9. GPIN 8872465865, 8872469418, and 8872562422. Mr. Page gave an overview of the requested subdivision. Penny Sekadlo and Carla Sevilla, the developer, gave a brief overview of the project. The following people spoke against the subdivision and voiced concerns about traffic, overcrowding, and the roads being accessed on what were previously dead end roads.

Sandra LeFrancois	973 Stonehaven Dr
Mary Taylor	974 Stonehaven Dr
Joseph Hessnice	985 Stonehaven Dr
Lauren Elinski	2447 Pepperstone Dr
Michelle Ping Johnson	986 Stonehaven Dr
Sally Hessnice	985 Stonehaven Dr
Bonnie Whitaker	2456 Greenview Dr
Stephen Byrd	2421 Chartwell Ln
Tom Balchin	2361 Knightdale Dr
Tyrone Richardson	2709 Pepperstone Dr
Jessica Valterra	2405 Chartwell Ln
Nicole Richardson	2709 Pepperstone Dr
Marsha Moore	2400 Chartwell Ln
Jim Trenner	2622 Pepperstone Dr
Selina Foster	2422 Pepperstone Dr
Tommy Arnold	2449 Greenview Dr
Jane Promnitz	2516 Pepperstone Dr
Pat Morefield	2705 Pepperstone Dr
Keith Nice	2432 Knightdale Dr

Richard Hughes	2432 Knightdale Dr
Rita Cole	944 Stonehaven Dr
Tommy Brown	2408 Whispering Hills Dr
Mike Sutton	2446 Whispering Hills Dr
Phyllis Holt	3928 Yount Ct
Robert Toney	2517 Covington Loop

Chair Hall closed the Public hearing. Penny Sekadlo and Carla Sevilla addressed some of the concerns that the neighbors brought up and answered questions from the planning board. The planning board had a brief discussion between themselves; Michael Benesch made a motion to deny. Dean Ward seconded. Vote was 5-2 with Nate Perry and Eric Crissman voting against.

b. S1901 Lacy Acres. Application by Penny Sekadlo for major subdivision with up to 165 single-family dwelling lots. Ricky Made a motion to deny. Dean Ward seconded. All voted Aye.

c. AM1902 Volunteer Representation. Application by Jan Searls to permit additional representation on our boards and commissions with the City of Graham. This item was pulled by Jan Searls and therefore did not get heard.

Chair Hall made a motion to adjourn, Michael Benesch seconded. All voted Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Debbie Jolly



STAFF REPORT

Prepared by Nathan Page, Planning Director

Lacy Acres (RZ1901)

Type of Request: Rezoning

Meeting Dates

Planning Board on April 16, 2019

City Council on May 7, 2019

Contact Information

Penny Sekadlo

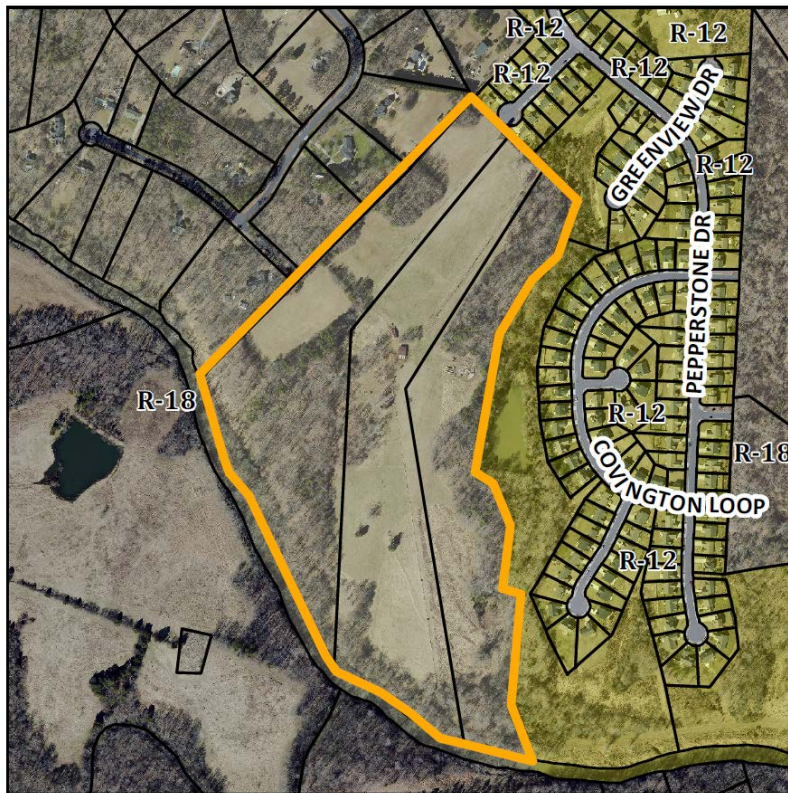
9220 Fairbanks Drive, Suite 220

Raleigh NC, 27613

919-848-1461; pennyengineer@aol.com

Summary

This is a request to rezone the subject property from R-18 to R-9. The property is currently vacant, wooded, and under cultivation.



Location

Chartwell Ln and
Stonehaven Drive

GPIN: 8872465865, 8872469418,
and 8872562422

Current Zoning

Residential (low density)
(R-18)

Proposed Zoning

Residential (high density) (R-9)

Overlay District

none

Surrounding Zoning

R-18, R-12

Surrounding Land Uses

Single Family and Vacant

Size

Approximately 57 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

Conformity to the *Graham 2035 Comprehensive Plan* (GCP) and Other Adopted Plans

Applicable Policies;

- 3.3.2 Focused Development. In order to maintain Graham's affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-18 zoning. Additionally, the Suburban Residential neighborhood type density recommendations are greater than that which is permitted by R-18 zoning.*

Applicable Strategies;

- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connect to existing city infrastructure.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the rezoning. The following supports this recommendation:

- Rezoning the property would be in consistence with Policy 3.3.2 and Strategy 4.3.1 of *The Graham 2035 Comprehensive Plan*.

Planning Type

Neighborhood

Development Type

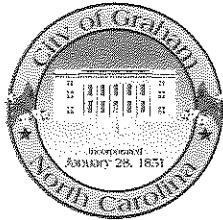
Suburban Residential

For single family residential, townhouses, duplexes, accessory dwelling units, and small scale multi-family dwelling of twelve units or less.

Buildings should be located near the front of the property line, oriented towards the street, and include front porches and other private outdoor spaces.

Recess garages behind the front of buildings to avoid streetscapes dominated by garage doors.

Density of 3 to 6 DU/acre



Application for REZONING or CONDITIONAL REZONING

RECEIVED

MAR 26 2019

PLANNING DEPT.

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: SEE ATTACHED

Tax Map#: SEE ATTACHED GPIN: SEE ATTACHED

Current Zoning District(s):

☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☒ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Overlay District, if applicable:

☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Current Use: VACANT

Total Site Acres: 57.5 = 3 LOTS x 19.16 ACRES

Property Owner: SEE ATTACHED

Mailing Address: SEE ATTACHED

City, State, Zip: SEE ATTACHED

Applicant

☐ Property Owner Other ENGINEER

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: PENNY SEKADLO

Mailing Address: 9220 FAIRBANKS DR SUITE 220

City, State, Zip: RALEIGH, NC 27613

Phone # 919-848-1461

Email: pennyengineer@aol.com

I have completed this application truthfully and to the best of my ability.

Penny Sekadlo
Signature of Applicant

3-26-19
Date

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

☐ R-7 ☒ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Describe the purpose of this rezoning request. For Conditional Rezoning, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

THE PURPOSE OF THIS REZONING REQUEST IS TO BRING CURRENT ZONING INTO CONFORMITY WITH THE APPROPRIATE DENSITY SET FORTH IN THE CITY'S COMPREHENSIVE PLAN AND TO SUPPORT THE SUBDIVISION APPLICATION SUBMITTED CONCURRENTLY HERewith.

For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

☐ Site Plan Review Application **must be attached** to this application for Conditional Rezoning

Office Use Only. DEVID#

R21901

Lacy Acres Subdivision
Property Owner Information

Parcel 1

Owner Name: WOLFE PHYLLIS HOLT LANGSTON
Owner Address: 3928 YOUNT CT
BURLINGTON, NC 27215
PIN: 8872-46-5865
Parcel ID: 130028
Parcel Area: 19.16 AC

Parcel 2

Owner Name: HOLT DOROTHY B
Owner Address: 2305 LACY HOLT RD
GRAHAM, NC 27253
PIN: 8872-46-9418
Parcel ID: 130029
Parcel Area: 19.16 AC

Parcel 3

Owner Name: HELEN KELLAM REVOCABLE LIVING
Owner Address: 2155 LACY HOLT RD
GRAHAM, NC 27253
PIN: 8872-56-2422
Parcel ID: 130089
Parcel Area: 19.16 AC



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Lacy Acres (RZ1901)

Type of Request

Rezoning

Meeting Dates

Planning Board on April 16, 2019

City Council on May 7, 2019

☐ I move to **recommend APPROVAL** of the application as presented.

☒ I move to **recommend DENIAL**.

☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

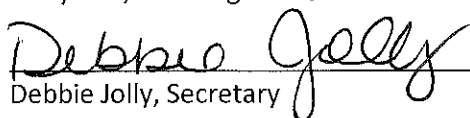
☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 16th day of April, 2019.

Attest:


 Ricky Hall, Planning Board Chairman


 Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Lacy Acres (RZ1901)

Type of Request

Rezoning

Meeting Dates

Planning Board on April 16, 2019
City Council on May 7, 2019

Choose one...

☐ I move that the application be **APPROVED**.

☐ I move that the application be **DENIED**.

Choose one...

☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 7th day of May, 2019.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Alexa Powell, City Planner

Lacy Acres (S1901)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on April 16, 2019

City Council on May 7, 2019

Contact Information

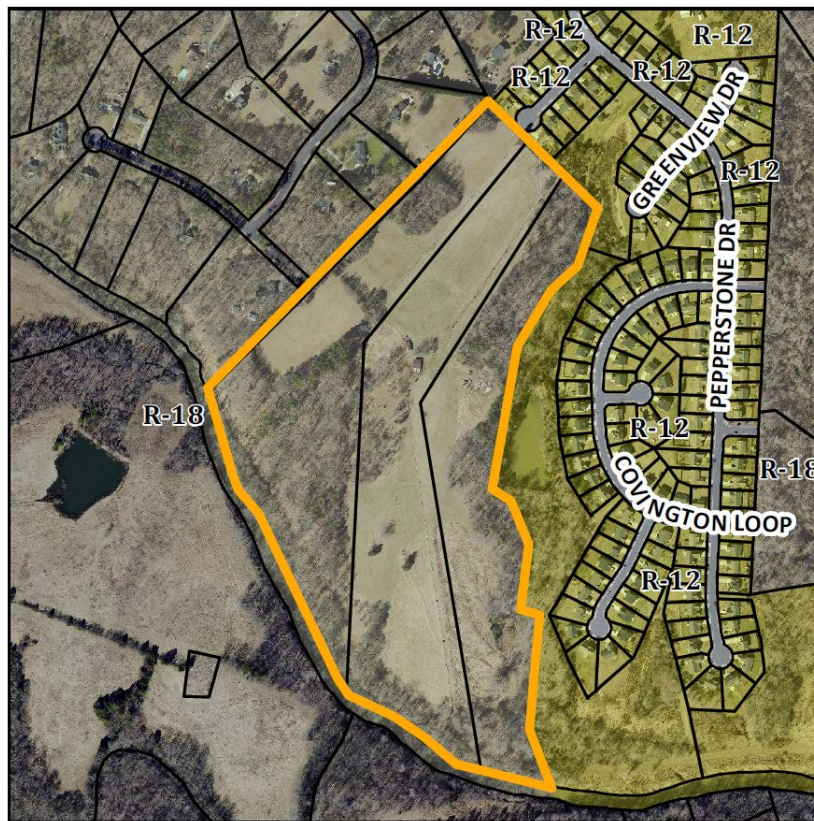
Penny Sekadlo

9220 Fairbanks Dr. Suite 220, Raleigh, NC 27613

919-848-1461; pennyengineer@aol.com

Summary

This is a request to subdivide the 57 acres of the subject property for up to 165 single family residential lots. The properties are currently vacant.



Location

Lacy Acres

GPIN: 8872465865, 8872469418,
8872562422

Current Zoning

Residential District, low-density
(R-18)

Overlay District

none

Surrounding Zoning

R-12 & R-18

Surrounding Land Uses

Low and medium density - single
family residential, vacant land

Size

57.48 acres

Public Water & Sewer

New Infrastructure Proposed

Floodplain

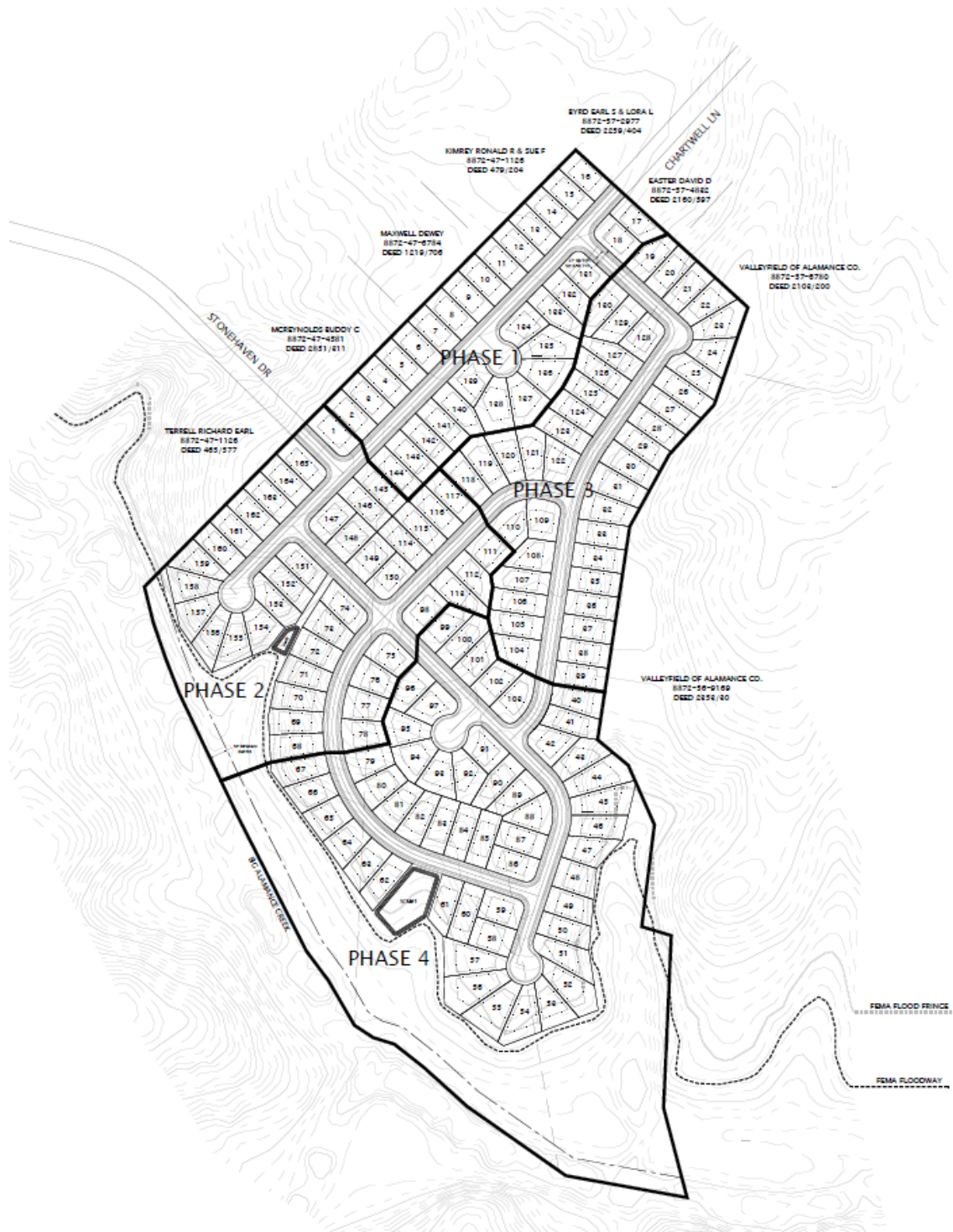
Yes

Staff Recommendation

Approval, with conditions

Technical Review Committee

The Technical Review Committee reviewed the application and provided comments to the applicant via the City Planner. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, but they do not affect the number of proposed lots, nor the access points from Chartwell Ln. or Stonehaven Dr.



Conformity to *The Graham 2035 Comprehensive Plan* and Other Adopted Plans

From Our Vision

- **A Healthy Environment** New growth in Graham will occur sustainably, with minimal impact on the natural environment. Conservation efforts will maintain the health of the watershed, preserve habitat for native plants and animals, as well as reduce pollution through investments in renewable energy sources, clean transportation options, and resource conservation. *This subdivision proposes approximately 13.7 acres of open space (approximately 24% of the total parcels), mostly in the floodplain. This protection of existing floodplain will reduce downstream flood events and protect habitat. The common areas are identified in our Future Land Use Map as areas to protect. Additionally, it will begin to lay out a greenway connection to the MST/HRT along Big Alamance Creek.*

Development Type

Suburban Residential

Located near a major thoroughfare

For single family residential

Characteristics include sidewalks on both sides, street trees at 30-40 feet intervals, and block lengths less than 600 feet

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Applicable Strategies and Policies

- **Policy 3.2.3 Fewer Dead-end Streets** Discourage or prohibit the development of cul-de-sacs and dead-end streets in new projects. *This proposal permits redundant access to all but a few lots, and will reduce the bottleneck which exists at Valleyfield.*
- **Policy 3.2.4 Greenway System** Promote a greenway system that links together the City's recreational resources and provides connections to commercial, employment, and residential areas. Greenways along stream buffers should be prioritized in order to protect the stream watershed. *This parcel contains land that a pedestrian easement will be required as a condition of TRC approval.*
- **Strategy 4.2.1 Greenways** Continue to develop a greenway system that links together the City's recreational resources. *Alamance County Parks and Recreation is attempting to link many of these neighborhoods with the Haw River Trail.*

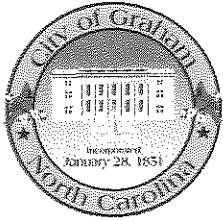
Policy 4.3.1 Land Use Patterns Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *This proposal keeps almost all of the development out of the floodplains, and connects to stubs from the north and west.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends approval of the subdivision.

The following supports this recommendation:

Allowing a high density subdivision in this location removes households from the potential harm from floodways (Policy 4.3.1), and protects greenspace (3.2.4) and promotes a greenway trail system (4.2.1).



Application for SUBDIVISION

RECEIVED

MAR 26 2019

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

PLANNING DEPT

This application is for both major and minor subdivisions, as defined in Article VIII of the *City of Graham Development Ordinances*.

Site

General description of subdivision location, using nearest streets, streams or other identifiable features:

SOUTH OF LACY HOLT RD,
BETWEEN NC-49 & ROGERS RD,
ALONG BIG ALAMANCE CREEK

Tax Map#: SEE ATTACHED GPIN: SEE ATTACHED

Current Zoning District(s): SEE ATTACHED

Overlay District, if applicable:

☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Property Owner: SEE ATTACHED

Mailing Address: SEE ATTACHED

City, State, Zip: SEE ATTACHED

Phone # SEE ATTACHED

Applicant and Project Contact

Name: PENNY SEKADLO

☐ Property Owner ☒ Engineer/Surveyor

Other _____

Mailing Address: 9220 FAIRBANKS DR. SUITE 220

City, State, Zip: BALEIGH, NC 27613

Phone # 919-848-1461

Email: pennyengineer@aol.com

I certify that all information furnished is true to the best of my knowledge.

[Signature] 3-25-19
Signature of Applicant Date

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: LACY ACRES

Type of Application:

- ☒ Preliminary Plat, Major Subdivision **By signing this application, I authorize the City of Graham to record the Final Plat.*
- ☐ Final Plat*, Major Subdivision
- ☐ Final Plat*, Minor Subdivision

Number of Lots: 165 Total Acreage: 57.5

Related Development (if any): _____

Subdivision Maps

This application **must be accompanied** by a subdivision map, which may include one or more sheets to provide sufficient detail for review. **See the back of this application for a checklist of items that should be shown on the subdivision map, as applicable.** The following copies of the subdivision map are required to be submitted with this application:

- ☒ For Major Subdivision Preliminary Plan, 4 paper copies and an electronic pdf
- ☐ For Major Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 2 paper copies
- ☐ For Minor Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 1 paper copy

Other Requirements

- ☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing
- ☐ NCDOT 3-Party Encroachment Agreement, if things such as a sidewalk or utility connection are proposed in the right-of-way
- ☐ Flood Elevation Certificate, if there is Special Flood Hazard Area near the development
- ☐ Floodplain Development Permit, if development is proposed in a Special Flood Hazard Area
- ☐ Stormwater Permit, if one or more acres is disturbed
- ☐ Erosion Control Permit from the NC Dept. of Environment and Natural Resources if the land disturbing activity exceeds one acre

FOR OFFICE USE ONLY

DEVID# 51901 Fee \$ _____

Lacy Acres Subdivision
Property Owner Information

Parcel 1

Owner Name: WOLFE PHYLLIS HOLT LANGSTON
Owner Address: 3928 YOUNT CT
BURLINGTON, NC 27215
PIN: 8872-46-5865
Parcel ID: 130028
Parcel Area: 19.16 AC

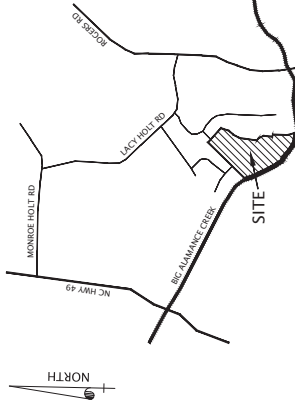
Parcel 2

Owner Name: HOLT DOROTHY B
Owner Address: 2305 LACY HOLT RD
GRAHAM, NC 27253
PIN: 8872-46-9418
Parcel ID: 130029
Parcel Area: 19.16 AC

Parcel 3

Owner Name: HELEN KELLAM REVOCABLE LIVING
Owner Address: 2155 LACY HOLT RD
GRAHAM, NC 27253
PIN: 8872-56-2422
Parcel ID: 130089
Parcel Area: 19.16 AC

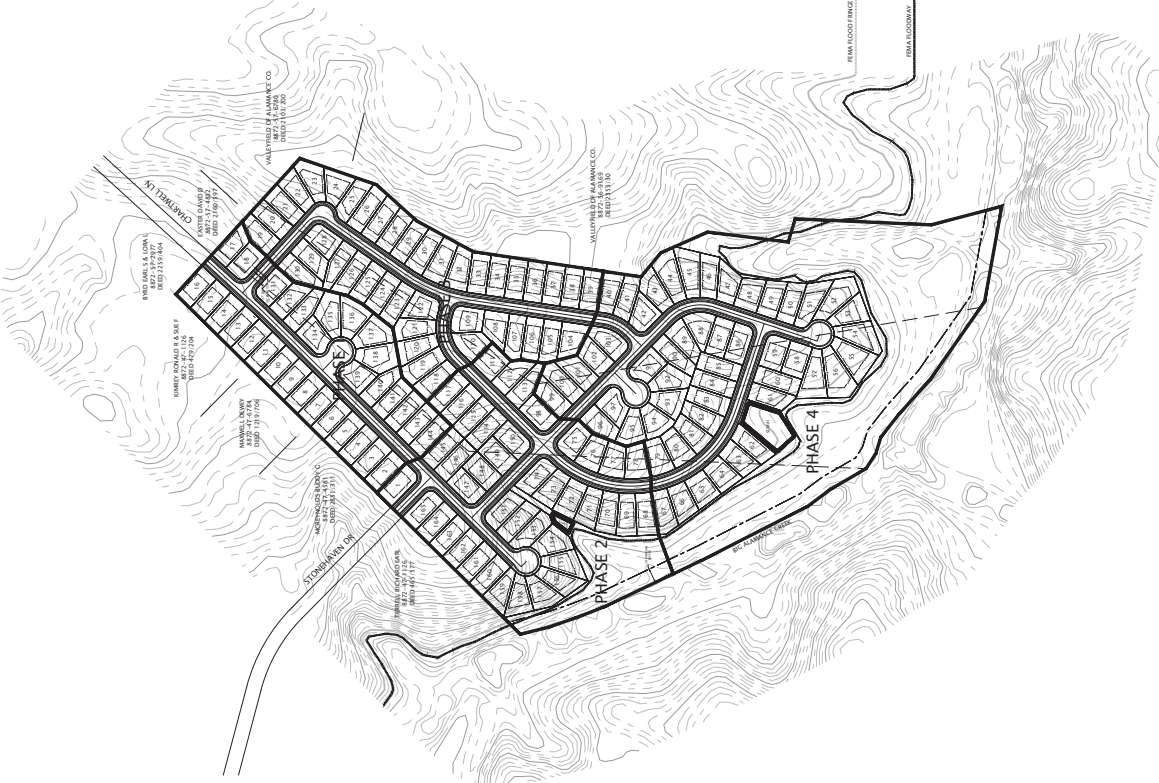
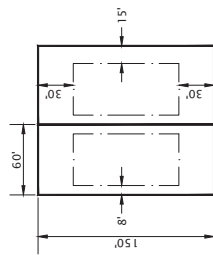
SCALE:	1" = 200'
DATE:	3/26/19
REV:	0
DESIGNER:	JBL
CHECKER:	PLS
DATE:	3/26/19
REV:	0
SHEET:	C1
OF:	2
TITLE:	LACY ACRES SUBDIVISION



SITE DATA

CONTACT	PENNY SEKADLO 9220 FAIRBANKS DR SUITE 220 RALEIGH, NC 27613 919-848-1461 pennyengineer@aol.com
OWNER	WOLFE PHYLLIS HOLT LANGSTON 3928 YOUNT CT BURLINGTON NC 27215 8872-46-5865 130028 19.16 AC
PIN	HOLT DOROTHY B 2305 LACY HOLT RD GRAHAM NC 27253 8872-46-9418 130029 19.16 AC
PARCEL ID	2155 LACY HOLT RD GRAHAM NC 27253 8872-56-2422 130089 19.16 AC
PARCEL AREA	VACANT
EXISTING USE	165 SINGLE FAMILY LOTS
PROPOSED USE	57.48 AC
TOTAL AREA	R-9
PROPOSED ZONING	

TYPICAL LOT DIMENSIONS





PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Lacy Acres
(S1901)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on April 16, 2019
City Council on May 7, 2019

☐ I move to **recommend APPROVAL** of the application as presented.

☐ I move to **recommend APPROVAL** with the following condition(s);

- [Insert additional comments]

☒ I move to **recommend DENIAL**.

☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

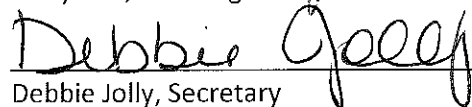
☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 16th day of April, 2019.

Attest:


Ricky Hall, Planning Board Chairman


Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Lacy Acres
(S1901)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on April 16, 2019
City Council on May 7, 2019

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move to **recommend APPROVAL** with the following condition(s);
- [Insert additional conditions]
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- ☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 7th day of May, 2019.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	ANIMAL SHELTER OPERATING AGREEMENT
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve Revised Animal Shelter Operating Agreement.

BACKGROUND/SUMMARY:

In 2002, the Alamance Pet Adoption and Shelter Improvement Committee recommended that an adequate and equitable funding formula be established to fund pet adoption and animal shelter operations within Alamance County. A per capita formula was subsequently established that included contributions from all cities within Alamance County. The City of Graham began contributing in 2004 and adopted the current operating agreement with Alamance County and the City of Burlington in 2005.

In 2015, following an initiative to expand the existing shelter, managers from their respective cities began discussing a revised agreement to share in the operational costs. Several funding formulas were considered and ultimately it was determined that a per capita rate using the sales tax methodology would achieve the greatest equity.

Animal Shelter Expenditures per Year and % Change		
2004	\$20,853.63	
2005	\$41,707.00	100.0%
2006	\$44,608.60	7.0%
2007	\$44,608.60	0.0%
2008	\$48,526.50	8.8%
2009	\$64,935.75	33.8%
2010	\$64,935.75	0.0%
2011	\$74,027.70	14.0%
2012	\$68,500.52	-7.5%
2013	\$70,481.94	2.9%
2014	\$70,860.42	0.5%
2015	\$83,198.96	17.4%
2016	\$89,760.80	7.9%
2017	\$90,545.14	0.9%
2018	\$98,565.19	8.9%
2019	\$103,369.15	4.9%

FISCAL IMPACT:

The proposed agreement stipulates a phased approach over three years to arrive at the new formula. In FY 19-20, the City of Graham is scheduled to contribute \$117,760 or 9.2% of operating costs. Following the 3-year phased implementation, the City's share would be \$74,160 or 5.79% (unadjusted for inflation or population change).

STAFF RECOMMENDATION:

Approval. Although equity for municipal residents is not fully established with this agreement, the proposed agreement gets us closer; all the while Graham residents will continue to benefit from expanded animal services such as the Spay/Neuter Clinic and Pet Adoption Center.

SUGGESTED MOTION(S):

I make a motion to approve the revised "Agreement to Operate Burlington Animal Shelter & Pet Adoption Center".

City of Burlington - Animal Services	Alamance County Population (NC OMB)	163,339.00
	Less: Gibsonville Population (Not included in Cost Projections)	(3,562.00)
	Total Population for Calculations	159,777.00

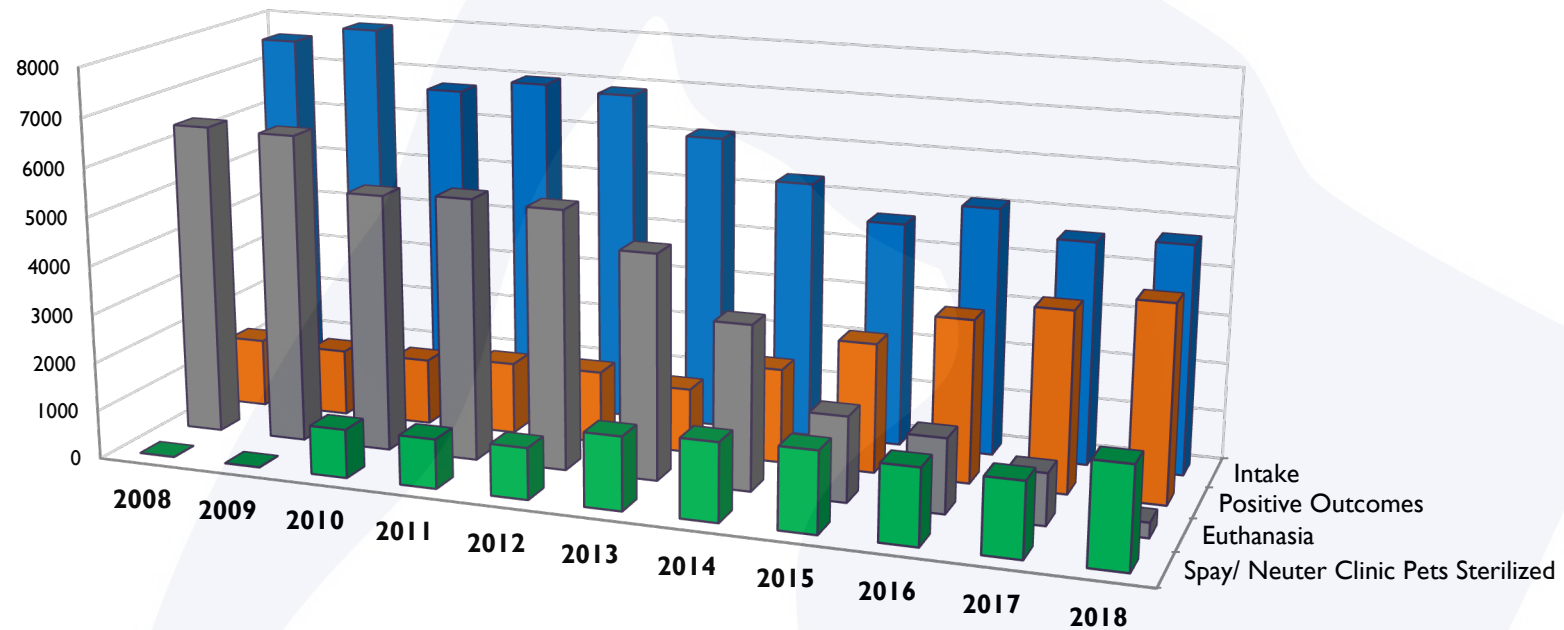
Cost Share Projection
Modified 50/50

Shared Expenses						
	Population	2018-2019 Shared Expenses	2019-2020 Shared Expenses (Projection)	2020-2021 Shared Expenses (Projection)	2021-2022 Shared Expenses (Projection)	2022-2023 Shared Expenses (Projection)
Alamance County	159,777	468,748.23	566,912.00	641,976.56	717,041.13	792,105.69
Burlington	52,323	360,821.96	399,744.00	352,960.98	306,177.96	259,394.94
Elon	12,183	73,500.12	63,360.00	62,372.69	61,385.38	60,398.08
Graham	14,959	103,369.15	117,760.00	103,226.76	88,693.53	74,160.29
Green Level	2,156	14,760.04	14,720.00	13,376.17	12,032.35	10,688.52
Haw River	2,421	16,644.30	16,640.00	15,094.09	13,548.18	12,002.28
Mebane	11,254	75,475.11	82,688.00	73,722.83	64,757.66	55,792.49
Ossipee	584	4,012.78	3,968.00	3,610.41	3,252.81	2,895.22
Sweepsonville	1,439	9,477.13	9,856.00	8,948.65	8,041.30	7,133.94
Alamance (Village)	1,095	7,453.30	4,352.00	4,710.85	5,069.69	5,428.54
Total	258,191	1,134,262.12	1,280,000.00	1,280,000.00	1,280,000.00	1,280,000.00

Percentages						
	Population	Current Year (2018-2019) - Per Capita	1st Year (2019-2020) - Modified 50/50 Formula	2nd Year (2020-2021)	3rd Year (2021-2022)	(2022-2023) - Sales Tax Percentages
Alamance County	159,777	41.33%	44.29%	50.15%	56.02%	61.88%
Burlington	52,323	31.81%	31.23%	27.58%	23.92%	20.27%
Elon	12,183	6.48%	4.95%	4.87%	4.80%	4.72%
Graham	14,959	9.11%	9.20%	8.06%	6.93%	5.79%
Green Level	2,156	1.30%	1.15%	1.05%	0.94%	0.84%
Haw River	2,421	1.47%	1.30%	1.18%	1.06%	0.94%
Mebane	11,254	6.65%	6.46%	5.76%	5.06%	4.36%
Ossipee	584	0.35%	0.31%	0.28%	0.25%	0.23%
Sweepsonville	1,439	0.84%	0.77%	0.70%	0.63%	0.56%
Alamance (Village)	1,095	0.66%	0.34%	0.37%	0.40%	0.42%
Total	258,191	100.00%	100.00%	100.00%	100.00%	100.00%

Reference from Initial Meeting	
ANIMAL SERVICES OPERATING COSTS 50% Intake + 50% Population	
Alamance County Balance	566,838.55
Burlington	399,204.56
Elon	56,989.48
Graham	117,809.08
Green Level	17,837.46
Haw River	23,638.71
Mebane	78,252.70
Ossipee	5,282.08
Sweepsonville	9,856.92
Alamance (Village)	4,290.46
Total	1,280,000.00

Burlington Animal Services Progress 2008-2018



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Spay/ Neuter Clinic Pets Sterilized	0	0	996	1012	1052	1499	1600	1655	1546	1514	2050
Euthanasia	6432	6392	5305	5388	5326	4614	3371	1739	1517	1047	304
Positive Outcomes	1414	1371	1362	1478	1488	1325	1935	2657	3330	3702	4024
Intake	7592	7937	6742	7013	6902	6132	5326	4643	5117	4595	4703

NORTH CAROLINA

ALAMANCE COUNTY

AGREEMENT TO OPERATE BURLINGTON
ANIMAL SHELTER & PET ADOPTION
CENTER

THIS AGREEMENT made and entered into this _____ day of _____, 2019, by and between the City of Burlington, a political subdivision and body politic of the State of North Carolina (hereinafter, "City") and _____, (hereinafter "_____") a political subdivision and body politic of the State of North Carolina.

WITNESSETH:

BACKGROUND AND HISTORY

WHEREAS, N.C.G.S. 160A-460 and 461 provide for the coordination and cooperation of units of local government to enter into contracts and agreements with one another in order to execute joint undertakings; and,

WHEREAS, pursuant to N.C.G.S. §130A-184 et seq., and Chapter 19A of the State statutes, the local County health director is responsible for administering here in Alamance County, through the Sheriff's Department, animal control enforcement services as they relate to public health issues which include the capture, quarantine and evaluation of rabid animals and the capture, control and euthanasia of dogs officially declared "dangerous" or "vicious." Other animal control services, including the construction, maintenance and operation of an animal shelter, are not statutorily required of the County government and are deemed elective services and are the responsibility and choice of each respective local governmental entity; and,

WHEREAS, pursuant to N.C.G.S. §160A-493 and N.C.G.S. §153A-442, cities and counties "may establish, equip, operate and maintain an animal shelter or may contribute to the support of an animal shelter, and for these purposes may appropriate funds not otherwise limited as to use by law. The animal shelters shall meet the same standards of animal shelters regulated by the Department of Agriculture pursuant to its authority under Chapter 19A of the General Statutes"; and,

WHEREAS, prior to the 1970's, several of the municipalities in Alamance County operated their own "dog pounds" for the citizens and residents of their jurisdictions and the County of Alamance operated an animal shelter facility for the citizens residing outside of said municipal jurisdictions; and,

March 29, 2019

WHEREAS, the City now operates the Animal Shelter and Pet Adoption Center under the auspices of “Burlington Animal Services”; and,

WHEREAS, in the 1970's, the County of Alamance ceased operating an animal shelter and contracted with the City of Burlington to provide such animal sheltering services for the citizens in Alamance County outside of the City of Burlington's corporate limits; and,

WHEREAS, the City of Burlington and the County of Alamance previously entered into an Agreement on August 7, 1990 to cooperate in the construction and operation of the Burlington Animal Services shelter and intake facility located at 221 Stone Quarry Road, Haw River, North Carolina; and,

WHEREAS, in 2004 the City of Burlington, the County of Alamance and the Pet Adoption and Welfare Society (hereinafter, PAWS) financed the construction of the Pet Adoption Center located at 221 Stone Quarry Rd, Haw River, North Carolina, on the campus of the Burlington Animal Services and adjacent to the current Burlington Animal Shelter; and,

WHEREAS, during the period of 2005-2006, the City of Burlington entered into separate agreements with each of the designated Local Government Entities (sometimes referred to as Entity) to share in the annual operating costs of the Animal Shelter and Pet Adoption Center:

Village of Alamance: 03/21/2005

City of Mebane: 2004

City of Gibsonville: 02/17/2005

Town of Elon: 12/14/2004

Town of Swepsonville: 03/14/2005

Town of Ossipee: 2005

Town of Haw River: 06/07/2004

Town of Green Level: 12/7/2006

City of Graham: 04/05/2005

WHEREAS, on October 4, 2016 the City of Burlington, the County of Alamance and PAWS entered into an agreement captioned Memorandum of Understanding Agreement for the Purpose of Constructing and Financing the Construction of a Joint Animal Shelter Facility (hereinafter Animal Services Center) to provide for the sharing of the costs of the renovation of portions of the existing Pet Adoption Center and construction of a new animal shelter (facility) to be located at 221 Stone Quarry Road, Haw River, North Carolina, on the site of the current Burlington Animal Services Department's Animal Shelter and the Pet Adoption Center.

March 29, 2019

STIPULATIONS

WHEREAS the parties to this agreement believe cost benefits will be realized by sharing the costs of the operation of the Animal Services Center, rather than each jurisdiction providing such services independently; and

WHEREAS, each party to this agreement is committed to appropriating and furnishing the funds necessary to fund the operation of the Animal Services Center; and,

WHEREAS, the parties to this agreement desire to enter into this agreement to provide professional, humane animal sheltering and placement services that are oriented towards providing positive outcomes for pets for their jurisdictions; and,

WHEREAS, the purpose of this Agreement is to provide for the equitable sharing of costs for operation of the Burlington Animal Services' Animal Services Center located at 221 Stone Quarry Road, Burlington North Carolina. This Agreement serves to supersede the previous agreements entered into by the City and the entities set out above.

NOW, THEREFORE, in consideration of the mutual agreements and considerations set out above, it is agreed as follows:

1. The City of Burlington shall provide qualified personnel to operate the Animal Services Center and said personnel shall be employed by the City of Burlington.
2. The City shall operate the Animal Services Center under its policies and procedures in accordance with applicable state statutes governing animal shelters.
3. The City shall provide animal sheltering services for the animals originating from the local governments party to this agreement (hereinafter "Entity" or "Entities") Entities shall follow current Burlington Animal Services standards, policies and procedures for the admission and care of animals. Standards, policies and procedures are updated periodically by the Animal Services Director to ensure consistency with most current industry standards and best practices is maintained.
4. Beginning in fiscal year 2022-2023, each of the Local Government Entities agrees to pay its share of the Animal Services Center operating costs based on the local sales tax distribution formula using the most recent municipal population estimates published by North Carolina Office of Budget Management. The calculation shall be performed as follows:
 - a. The sales tax distribution rate shall be determined by dividing the estimated net operating costs of the upcoming fiscal year by the sum of the County population plus the populations of each municipality.

- b. If a municipality of Alamance County is not a party to this agreement, the non-participating municipal population will not be counted or included in determining the sales tax distribution formula. Example: (Estimated Net Annual Operation Cost) / (County Population – Town of Gibsonville population + City of Burlington population + City of Graham population + City of Mebane population + Town of Green Level population + Town of Haw River population + Town of Swepsonville population + Town of Elon population + Village of Alamance population + Town of Ossipee population)
- c. The share of the operating expense responsible by the Local Government Entity shall be determined by multiplying the sales tax distribution rate by the total population of the Local Government Entity.

As determined by the participating Local Government Entities and to ease the financial burden to Alamance County, the transition from the FY 2018-2019 cost distribution method (per capita rate) to the sales tax distribution formula will occur over three fiscal years based on predetermined percentages of annual shared operating expenses:

Entity	FY 2019-2020	FY 2020-2021	FY 2021-2022
Alamance County	44.29%	50.15%	56.02%
Burlington	31.23%	27.58%	23.92%
Elon	4.95%	4.87%	4.80%
Graham	9.20%	8.06%	6.93%
Green Level	1.15%	1.05%	0.94%
Haw River	1.30%	1.18%	1.06%
Mebane	6.46%	5.76%	5.06%
Ossipee	0.31%	0.28%	0.25%
Swepsonville	0.77%	0.70%	0.63%
Alamance (Village)	0.34%	0.37%	0.40%

5. The City shall send estimated costs to each Entity on an annual basis, not later than April 1st. An invoice will be issued and such fee shall be paid to the City of Burlington annually, not later than October 1st.
6. Any annual increase of the estimated net operating cost of 10% or over the previous year will trigger a conference of the chief administrative officers (Managers) of the Local Government Entities.
7. Any revenues generated by the operation of the Animal Services Center and any grants applied for and received shall be used to offset the cost of the operations of the Animal Services Center.

8. All billing and collection of fees shall be administered by the City of Burlington.
9. Any amendments to this Agreement shall be in writing and signed by the appropriate representatives of each Entity.
10. This agreement shall be effective from execution until June 30, 2025.
11. Early termination of this agreement by participating entities may occur after the Entity gives notice to the City of Burlington no later than December 31 of the previous year of the Entity's intent not to participate in the subsequent fiscal year.
12. In the event payment of fees by a party to this Agreement has not been received by December 31 of each year, the City may cease or modify providing services for the Entity until payment is received.

IN WITNESSETH WHEREOF, the City of Burlington and the _____ have caused this agreement to be duly executed on its representative's behalf and attested.

ATTEST:

CITY OF BURLINGTON

City Clerk

City Manager

Finance Officer Pre-audit Certification:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

City Finance Officer

ATTEST:

ENTITY

City/ Town/ Village/County Clerk

Manager

March 29, 2019